IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 468 OF 2005.

Mafatlal S. Bafna ..Appellant.
V/s.

The Asst.Commissioner of Income-tax.. Respondent.

Shri V.H. Patil with Ms. Aasifa Khan and
Satish Mody i/b M/s S. Batha for the appellant.

Shri Ashok Kotangale with G. Hariharan for the respondent.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 29th August 2005.

P.C. :

. Heard finally by consent of learned Counsel appearing for the rival parties. Parties to the appeal submit that the appeal be disposed of by consent of parties as per Minutes of the Order handed over by the learned Counsel for the parties under their joint signatures. The same is taken on record and marked X for identification, which reads as under:

> " The finding of the Income-tax Appellate Tribunal that Rs. 1,50,000/- advanced to M/s Chetan Construction Pvt.Ltd. was out of interest bearing funds, is set aside.The matter is remanded back to the Assessing Officer to consider whether the said advance of Rs. 1,50,000/- has gone out of the interest bearing funds of Rs. 1,44,15,435/- for A.Y. 91-92."

. Appeal accordingly stands disposed of in terms of the minutes of the order reproduced

hereinabove with no order as to costs.

(J.P. DEVADHAR,J.) **(V.C. DAGA,J.)**